


AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي African Commission on Human & Peoples' Rights		UNIÃO AFRICANA Commission Africaine des Droits de l'Homme & des Peuples
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Final Communiqué of the 54th Ordinary Session of the African Commission on Human and Peoples Rights

Banjul, The Gambia

22 October - 5 November 2013

1. The African Commission on Human and Peoples' Rights (the Commission) held its 54th Ordinary Session in Banjul, The Gambia, from 22 October to 5 November 2013.
2. Honourable Commissioner **Catherine Dupe Atoki** presided over the opening ceremony of the Session, in her capacity as the outgoing Chairperson of the Commission.
3. The opening ceremony was graced by the presence of the Attorney General and Minister of Justice of the Republic of The Gambia, **Honourable Justice Mama Fatima Singateh**, who declared the Session open.
4. The following Members of the Commission participated in the Session:
 - Honourable Commissioner **Kayitesi Zainabo Sylvie**;
 - Honourable Commissioner **Mohamed Béchir Khalfallah**;
 - Honourable Commissioner **Reine Alapini-Gansou**;
 - Honourable Commissioner **Yeung Kam John Yeung Sik Yuen**;

- Honourable Commissioner **Soyata Maiga**;
- Honourable Commissioner **Lucy Asuagbor**;
- Honourable Commissioner **Med Kaggwa**;
- Honourable Commissioner **Maya Sahli-Fadel**;
- Honourable Commissioner **Pacifique Manirakiza**; and
- Honourable Commissioner **Lawrence Murugu Mute**.

5. Honourable Commissioner **Faith Pansy Tlakula** was absent with apologies.
6. During the opening ceremony, **Madam Hannah Foster**, speaking on behalf of the NGO Forum Steering Committee, observed that during the NGO Forum, participants applauded the efforts and positive development in the human rights and democracy situation in Africa, as exemplified by the conduct of successful elections in a number of African countries, including Mali. She observed, however, that more needed to be done as Africa continued to face challenges of insecurity, violence, poverty, disease, unemployment, corruption, arbitrary detention and extra-judicial killings, rise in terrorist attacks and many other human rights violations that bring nothing but hardship and even death to the citizenry of the concerned countries. In conclusion, **Madam Foster** reiterated the readiness of the NGO community to work with the Commission and its mechanisms in the realization of their mandates.
7. **Mr. Gilbert Sebihogo**, on behalf of the Network of African National Human Rights Institutions, noted that the realization of the ideal of universal welfare requires an effective national human rights protective mechanism, and that national human rights institutions (NHRIs) play an essential role in the advancement of the human rights agenda. He stated that the Session was taking place against a backdrop of continuing challenges for African countries, such as injustice, poverty, political instability, to name a few. He called on the Commission

to join forces with other stakeholders with a view to strengthening African NHRIs to undertake their mandate with the rigorous approach required.

8. **Mr. Andrea Ori**, speaking on behalf of the Office of the High Commissioner for Human Rights (OHCHR), noted that within the United Nations, human rights were affirmed as one of the three core pillars along with peace and security and development, which have to be strengthened and upheld in order to achieve a peaceful, prosperous and just world. He observed that cooperation between the Office of the High Commissioner and the Commission, which dates back more than a decade, was recently strengthened and formalized by the signing of the Addis Ababa Road map, between the special procedures and mandate holders of the Human Rights Council and the Commission. **Mr. Ori** concluded by reiterating the continuing support of the Office of the High Commissioner for greater complementarity between the United Nations human rights system and the African human rights mechanisms in the implementation, protection and promotion of human rights standards.
9. **Dr. Salah Hammad**, speaking on behalf of **Dr. Aisha L. Abdullahi**, Commissioner for Political Affairs of the African Union Commission, noted the African Union's appreciation of the Commission's diligence and efforts towards enhancing the effectiveness of the African human rights system, and further called on the Commission to take responsibility for deciding the theme for the annual events held to commemorate Africa Human Rights Day. He observed that the 54th Session coincided with adoption of the African Union's Strategic Plan 2014 to 2017, which prioritized the promotion of human and peoples' rights, peace and stability, democracy and good governance as foundations for sustainable development and stable societies in Africa. He further noted the continued efforts of the African Union to promote and protect human rights, such as through coordinating the process of implementing the Action Plan of the Human Rights Strategy for Africa,

monitoring the human rights situation in Mali through AFISMA headed by **Commissioner Gansou**, and reported that a human rights observation mission would shortly be deployed to the Central African Republic, to be led by **Commissioner Khalfallah. Dr. Hammad** concluded the statement by calling on all stakeholders to support the work of the African Union human rights mechanisms and institutions.

10. Speaking on behalf of African Union Members States, **H.E. Madam Julie P. Somda-Nigna**, Minister for Human Rights and Civic Protection of the Republic of Burkina Faso, recalled that the ordinary sessions of the Commission provided an ideal framework for reflection to better respond to the aspirations of the African people for a better Africa, where human rights are well protected and considered in national policies and strategies. She further welcomed the increasing involvement of Africans in resolving the many crisis and conflicts that affect the continent. The Honourable Minister welcomed the invaluable contribution of human rights defenders in awakening the consciousness of Africans and noted in particular, the role of women human rights defenders, which she observed was crucial to the safeguard of peace and security, as well as in the process of democratization.
11. **Honourable Justice Kimelabalou Aba**, representing the African Court on Human and Peoples' Rights, lauded the Commission's efforts in promoting the African Court through its interaction with State Parties. He noted that this is concrete proof of the Commission's determination to see the Court succeed in its mission. **Honourable Justice Aba** outlined the activities that the Commission and Court have jointly undertaken to give effect to their complementary relationship and used the occasion to call on Member States of the African Union which have not yet done so, to take all necessary measures to ratify the Protocol to the African Charter on Human and Peoples' Right on the Establishment of the African Court

on Human and Peoples' Rights and to make the Declaration allowing individuals and NGOs to bring cases before the Court.

12. In her opening address, Honourable Commissioner **Catherine Dupe Atoki**, the outgoing Chairperson of the Commission, noted that under her leadership, the Commission had sought to reinvent itself through a review of its working methods, for example through giving greater impetus to the Commission's protective mandate, as well as intensifying engagement with State Parties, among others. **Commissioner Atoki** further highlighted the Commission's consistent engagement with its partners, including NHRIs, NGOs, the African Court and Office of the High Commissioner for Human Rights. With regards to the human rights situation on the continent, **Commissioner Atoki** noted that in spite of positive gains made in the democratic process in a number of State Parties, the resurgence of conflict, terrorism, unconstitutional changes of government, gross violations of human rights and impunity has eroded some of these gains. She recalled recent events of concern, including the death of hundreds of African migrants near Lampedusa, the terrorist attacks at the Westgate mall in Kenya, the killing of school children by Boko Haram in Nigeria, and various acts of violence in Libya. In conclusion, the outgoing Chairperson thanked the Members of the Commission, in addition to all partners who assisted the Commission during her tenure.
13. Honourable Justice **Mama Fatima Singateh**, Attorney General and Minister of Justice of the Republic of The Gambia, stated that in spite of gains in the field of human rights, acts of terrorism and wars continued to disrupt the lives of Africans, and to that end reiterated the support of the Government of The Gambia to the African Union and its organs, in the efforts to end conflicts which persist on the continent. **Honourable Justice Singateh** further noted that African citizens must enjoy their rights, and not feel compelled to embark on perilous journeys in

the search for better lives on other continents. **Justice Singateh** noted the efforts of the African Commission to fulfil its mandate in spite of constraints, and in conclusion thanked all stakeholders who have contributed to the effective promotion and protection of human rights.

14. Following their election to the Commission by the 21st Assembly of the Heads of State and Government of the African Union, held in May 2013, the following Commissioners took their oaths of office during the opening ceremony of the 54th Ordinary Session, in accordance with Article 38 of the African Charter on Human and Peoples' Rights and Rule 9 of the Rules of Procedure of the Commission;

- Honourable Commissioner **Yeung Kam John Yeung Sik Yuen** (re-elected);
- Honourable Commissioner **Soyata Maiga** (re-elected);
- Honourable Commissioner **Lucy Asuagbor** (re-elected); and
- Honourable Commissioner **Lawrence Murugu Mute** (newly elected).

15. Honourable Commissioner **Yeung Kam John Yeung Sik Yuen** gave a vote of thanks on behalf of the Commission to the outgoing Chairperson, Honourable Commissioner **Catherine Dupe Atoki**.

16. In accordance with Article 42 of the African Charter on Human and Peoples' Rights, and Rules 10 and 11 of its Rules of Procedure, a new Bureau of the Commission was elected on 22 October 2013. Honourable Commissioner **Kayitesi Zainabo Sylvie** was elected as the Chairperson, while Honourable Commissioner **Mohamed Béchir Khalfallah** was elected Vice-Chairperson. The Bureau will serve for a term of two years in line with Rule 12 of the Rules of Procedure.

17. Altogether five hundred and eighty eight (588) delegates participated in the Session. Of these, one hundred and thirty two (132) represented twenty four (24)

State Parties, seven (7) represented African Union (AU) Organs, forty two (42) represented National Human Rights Institutions (NHRIs), fourteen (14) represented International and Inter-Governmental Organizations, three hundred and sixteen (316) represented African and International Non-Governmental Organisations (NGOs), as well as other observers.

18. A number of parallel activities took place prior to and on the margins of the Session, among them including the meeting of the Working Group on Communications, held on 20 October 2013, the NGO Forum, held from 18 to 20 October 2013 and the consultative meeting on the role of National Human Rights Institutions which was held from 20 to 22 October 2013.
19. Representatives of the following seventeen (17) State Parties made statements relating to the human rights situation in their respective countries: Algeria; Angola; Burkina Faso; Cameroon; Ethiopia; Lesotho; Nigeria; Niger; Rwanda; Sahrawi Arab Democratic Republic; Senegal; South Africa; The Gambia; The Sudan; Togo; Uganda; and Zimbabwe.
20. Representatives from the African Court on Human and Peoples' Rights and the African Committee on the Rights and Welfare of the Child gave statements highlighting the collaboration between the Commission and their respective institutions.
21. Her Excellency **Dr. Aisha L. Abdullahi**, the **Commissioner for Political Affairs** of the African Union Commission gave a statement in which she highlighted the need for close collaboration between the African Union Commission and the African Commission on Human and Peoples' Rights. She further noted that her office remains committed to giving support to the Commission.

22. Statements were also made by representatives of the following inter-governmental and international organizations:
- (i) International Organization of La Francophonie;
 - (ii) United Nations Sub Committee on Prevention of Torture;
 - (iii) International Committee of the Red Cross;
 - (iv) The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;
 - (v) International Criminal Court; and
 - (vi) United Nations Independent Expert on the Situation of Human Rights in Sudan.
23. The following six (6) NHRIs made statements on the human rights situation in their respective countries, namely:
- (i) The National Human Rights Commission of Rwanda;
 - (ii) The National Consultative Council for the Promotion and Protection of Human Rights, Algeria;
 - (iii) The Malawi Human Rights Commission;
 - (iv) The National Commission of Human Rights and Fundamental Freedoms, Niger;
 - (v) The Uganda Human Rights Commission; and
 - (vi) The Commission for Human Rights and Good Governance of Tanzania.
24. A total of forty two (42) NGOs that have Observer Status with the Commission also made statements on the human rights situation in Africa.
25. The Commission granted Observer Status to eleven (11) NGOs, in accordance with the Resolution on the Criteria for Granting and Enjoying Observer Status to Non-Governmental Organisations Working in the Field of Human and Peoples' Rights, namely:

- (i) The Human Rights Centre Uganda;
- (ii) PINGO's Forum;
- (iii) Women's Legal Centre;
- (iv) The Global Initiative for Economic, Social and Cultural Rights;
- (v) Sustainable Development Institute;
- (vi) Prison Fellowship Nigeria;
- (vii) Natural Justice;
- (viii) Avocats Sans Frontières;
- (ix) Ngo Playdoo;
- (x) Bureau International Catholique de l'Enfance; and
- (xi) Association burundaise pour la protection des Droits humains et des personnes détenues.

26. This brings the total number of NGOs, which have Observer Status with the Commission to **four hundred and sixty-six (466)**.

27. In accordance with Article 62 of the African Charter, the Commission considered the Periodic Reports of the following State Parties:

- (i) The Republic of Gabon; and
- (ii) The Republic of Cameroon.

28. Members of the Commission presented the following Reports of activities they undertook during the Inter-Session period as Commissioners and within the framework of their various Special Mechanisms:

- (i) Special Rapporteur on the Rights of Women in Africa;
- (ii) Special Rapporteur on Freedom of Expression and Access to Information in Africa;
- (iii) Special Rapporteur on Human Rights Defenders in Africa;
- (iv) Special Rapporteur on Prisons and Conditions of Detention in Africa;

- (v) Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;
- (vi) Chairperson of the Working Group on the Rights of Older Persons and People with Disabilities in Africa;
- (vii) Chairperson of the Working Group on Indigenous Populations/Communities in Africa;
- (viii) Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa;
- (ix) Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa;
- (x) Chairperson of the Working Group on the Death Penalty, Extra-judicial, Summary or Arbitrary Killings in Africa; and
- (xi) Chairperson of the Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and Affected by HIV.

29. The Commission adopted the Reports of the Promotion Mission to the Republic of Chad and the Joint Mission to the Republic of Tunisia, as well as the Report of the Fact Finding Mission to the Republic of Mali.

30. The Commission considered and adopted the following:

- (i) Report of the Advisory Committee on Budgetary and Staff Matters;
- (ii) Report on the Execution of the Budget;
- (iii) Report of the Working Group on Communications;
- (iv) The Communications Audit;
- (v) Report of the Secretary; and
- (vi) The Template of the Report of the Working Group on Death penalty, Extra-judicial, Summary or Arbitrary Killings in Africa.

31. The Commission further deliberated on the following:

- (i) Research and Information Mission of the Working Group on Indigenous Populations/Communities in Africa to the United Republic of Tanzania;
- (ii) Women Human Rights Defenders' Report;
- (iii) Paper on Citizenship;
- (iv) Report of the Study Group on Freedom of Association in Africa; and
- (v) General Comments on Article 14 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;

32. The Commission adopted Resolutions reconstituting, renewing and extending the mandates of the following Special Mechanisms:

- i. Special Rapporteur on Prisons and Conditions of Detention in Africa;
- ii. Special Rapporteur on the Rights of Women in Africa;
- iii. Special Rapporteur on Refugees, Asylum Seekers, Displaced Persons and Migrants in Africa;
- iv. Special Rapporteur on Freedom of Expression and Access to Information in Africa;
- v. Special Rapporteur on Human Rights Defenders in Africa;
- vi. Working Group on Indigenous Populations/Communities in Africa;
- vii. Working Group on Older Persons and Persons with Disabilities in Africa;
- viii. Working Group on the Death Penalty extra-judicial, summary or arbitrary executions in Africa;
- ix. Working Group on Economic, Social and Cultural Rights;
- x. Working Group on Extractive Industries, Environment and Human Rights Violations in Africa;
- xi. Committee for the Prevention of Torture in Africa;
- xii. Working Group on Communications; and
- xiii. Advisory Committee on Budgetary and Staff Matters.

33. The Commission further adopted the following:

- i. Resolution Calling on the Republic of Kenya to Implement the Endorois Decision;
 - ii. Resolution on extrajudicial killings and enforced disappearances in Mali;
 - iii. Resolution on Police and Human Rights in Africa;
 - iv. Resolution on involuntary sterilization and the protection of human rights in access to HIV services;
 - v. Resolution on Women's Right to Land and Productive Resources;
 - vi. Resolution on the extension of the deadline for the study on freedom of association and assembly in Africa; and
 - vii. Resolution on Prevention of Attacks and Discrimination against Persons with Albinism.
34. The newly elected Member of the Commission, Honourable Commissioner **Lawrence Mute**, assumed responsibility for monitoring the situation of human rights in the Republics of Ethiopia, Liberia, Sudan and The Gambia, while henceforth, in addition to the other countries assigned to her, Honourable Commissioner **Maya Sahli-Fadel** assumed responsibility for monitoring the human rights situation in the Arab Republic of Egypt.
35. The Commission examined twenty (20) Communications:
- (i) Six (6) on Seizure;
 - (ii) Five (5) on Admissibility;
 - (iii) Four (4) on the Merits;
 - (iv) One (1) Oral Hearing;
 - (v) One (1) Request for re-listing;
 - (vi) One (1) Request for a change of name;
 - (vii) One (1) Request for amicable settlement; and
 - (viii) One (1) Communication following up on the implementation of the Commission's Decision.

36. The Commission adopted its 35th Activity Report, which will be submitted to the 24th Ordinary Session of the Executive Council of the African Union and the 22nd Summit of the Assembly of Heads of State and Government of the African Union, which are scheduled to take place in January 2014.
37. The Republic of Niger extended an invitation to host the Commission's 56th Ordinary Session.
38. The Commission decided to hold the 15th Extra-Ordinary Session from 7 to 14 March 2014, in Banjul, The Gambia.
39. Following the invitation by the Republic of Angola, the Commission decided to hold its 55th Ordinary Session from 28 April to 12 May 2014, in Luanda, Angola.
40. The Commission expresses its sincere appreciation and profound gratitude to the Government and people of the Republic of The Gambia for the facilities placed at its disposal, and for the warm welcome and hospitality accorded to the participants, all of which contributed to the excellent outcome and successful deliberations of its Session.
41. The closing ceremony of the Session took place on 5 November 2013 in Banjul, The Gambia.

Done in Banjul, Republic of the Gambia on 5 November 2013

2013

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